

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

1. RITA CRAMPTON as Personal  
Representative of the Estate of Jane Ann  
Martin, deceased

*Plaintiff,*

v.

1. CHRIS MORRIS, Sheriff of Pittsburg  
County, Oklahoma,  
2. ABOUTANAA EL HABTI, Warden of Mabel  
Bassett Correctional Center,  
3. DOES I through X,

*Defendants,*

Case No: 21-CV-053-JFH

**JOINT MOTION TO STRIKE SCHEDULING ORDER**

COMES NOW the Parties jointly, by and through their attorneys of record, and respectfully request that the Court strike the Amended Scheduling Order (Dkt. #47) for the reasons set forth herein. In support, the Parties state the following:

1. Plaintiff filed her Amended Complaint against the Defendants on May 25, 2021, alleging that Jane Martin's ("Ms. Martin") constitutional right to medical care was denied when responsible medical staff at the Pittsburg County Jail and Mabel Bassett Correctional Center ("MBCC") disregarded known, obvious and substantial risks to her health and safety. *See* Dkt. # 23.

2. Defendant Aboutanaa El Habti ("El Habti") filed his Motion to Dismiss Plaintiff's Amended Complaint on June 8, 2021 wherein El Habti raised his qualified immunity defense. *See* Dkt. #25.

3. On June 8, 2021, Defendant Chris Morris filed his Answer to Plaintiff's Amended Complaint. *See* Dkt. # 26.

4. Plaintiff filed her response to Defendant El Habti's Motion to Dismiss on June 22, 2021 (Dkt #27) and Defendant Habti filed his Reply in support of his Motion to Dismiss on July 1, 2021 (Dkt. #28). Defendant El Habti's Motion to Dismiss remains pending before the Court.

5. On August 5, 2021, the Court entered a Scheduling Order, setting a discovery deadline for April 26, 2022. *See* Dkt. # 31.

6. On November 2, 2021, Defendant El Habti filed a Motion to Stay, requesting that all remaining deadlines in the Scheduling Order "be stayed until the Court can issue its ruling on the pending Motion to Dismiss." *See* Dkt. #33.

7. Plaintiff filed her Response in Opposition to Defendant El Habti's Motion to Stay on November 16, 2021 (Dkt. # 34) and El Habti filed his Reply in support of his Motion to Stay on November 19, 2021 (Dkt. #37). Defendant El Habti's Motion to Stay remains pending before this Court.

8. After the entry of the Court's Scheduling Order (Dkt. #31), the Plaintiff and Defendant Chris Morris began engaging in written discovery.

9. However, Defendant El Habti continues to abstain from participating in discovery based on his pending Motion to Dismiss (Dkt. #25) and Motion to Stay (Dkt. #33).

10. Plaintiff filed an Unopposed Motion to Extend the Scheduling Order Deadlines on February 18, 2022, due to the amount of outstanding discovery. *See* Dkt. #45.

11. The Court granted Plaintiff's Motion and entered an Amended Scheduling Order on March 8, 2022, setting among other things, Plaintiff's expert report deadline for August 26, 2022. *See* Dkt. # 47.

12. On May 11, 2022, Defendant El Habti filed a Notice of Matters Under Advisement for More than Nine (90) days regarding his Motion to Dismiss and Motion to Stay. *See* Dkt. # 52.

13. In response to Defendant El Habti's Notice of Matters Under Advisement, the Court entered a minute order referring El Habti's Motion to Dismiss and Motion to Stay to Chief District Court Judge Eric F. Melgren for disposition on May 12, 2022. *See* Dkt. # 53.

14. To date, the issue of Defendant El Habti's qualified immunity remains pending before the Court and as a result, the Parties have not yet obtained discovery from Defendant El Habti.

15. Considerable discovery is necessary before this case will be ready for trial, or a productive settlement conference, and Defendant El Habti maintains that he should not be subject to discovery, including depositions, until the Court rules on his Motion to Dismiss.

16. As such, the Parties believe it is appropriate to strike the current Scheduling Order (Dkt. #47) until such time as the Court addresses the pending motions. Thereafter, the Parties would request the Court enter a new scheduling order.

17. For the Court's convenience, a proposed Order is being submitted contemporaneously with this Motion.

WHEREFORE, for the reasons set forth above, the Parties pray the Court strike the current Scheduling Order (Dkt. #47) until such time as the Court addresses the pending motions, and thereafter, if appropriate, enter a new scheduling order.

Respectfully submitted by:

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of June, 2022, I submitted the above document to the Clerk of Court using the ECF System for filing and transmission of a notice of electronic filing to all counsel who have appeared in this case.

/s/John W. Warren\_\_\_\_\_